

The Applicants deny the presently claimed invention is anticipated by Szul et al. The presently claimed is directed to a process to polymerize one or more olefin(s) in the presence of a catalyst composition. The claimed process comprises combining a solid or a slurry with a solution comprising one or more phenoxide catalyst compounds, wherein the solid or slurry comprises one or more bulky ligand metallocene catalyst compounds, a support and or one or more activator(s). After the combining step, the process comprises introducing the combination of the one or more phenoxide catalyst compounds and slurry or solution of the one or more bulky ligand metallocene catalyst compounds into a polymerization reactor.

The Applicants deny their invention is anticipated by Szul et al. because Szul et al. do not explicitly disclose the invention. In particular, Szul et al. do not teach the combination of a slurry or solution comprising one or more bulky ligand metallocene catalyst compounds with one or more phenoxide catalyst compounds, as required by the claimed process. While Szul et al. do teach bulky ligand metallocenes can be used in their method and separately teach phenoxide catalysts can also be used in their method, Szul et al. do not explicitly put these two types of catalyst compounds together, in combination, as specified in the presently claimed process. That is, the disclosure by Szul et al. leaves open the independent use of more than one bulky ligand metallocene or the independent use of more than one phenoxide or the use of one or the other with other catalysts taught by Szul et al. to be suitable such as conventional Ziegler catalysts as described at Col. 13, lines 41-54.

Because Szul et al. do not explicit disclose combining one or more bulky ligand metallocenes (whether in slurry or solution, or not) with one or more phenoxide catalysts, Szul et al. can not be said to anticipate the claimed invention and rejection should be withdrawn.

The Examiner also provisionally rejected claims 1-27 under the judicially created doctrine of obviousness-double patenting as being unpatentable over claims 1-43 of co-pending application number 09/729,550. In response to this rejection, the Applicants

elect to submit herewith a timely filed disclaimer in compliance with 37 CFR § 1.321(c) as well as showing by notice of recordation of assignments to Univation Technologies, LLC that the present application and the conflicting application are commonly owned by Univation Technologies, LLC.

Applicants believe all outstanding rejections against the claimed process have been traversed or obviated by the above remarks or submissions herewith, and respectfully request a notice of allowance for all pending claims, Claims 1-27.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Osborne K. McKinney", with a stylized flourish at the end.

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